IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JAIPUR BENCH, JAIPUR

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JUDGMENT

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Dr. Kiran Mala Jain Vs. State of Raj. & Ors.

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D.B. Civil Special Appeal No. 590/1997

in

S.B. Civil Writ Petition No. 423/1997

Date of order :: July 9, 2007

PRESENT
HON'BLE MR.JUSTICE R.C. GANDHI
HON'BLE DR. JUSTICE VINEET KOTHARI

Mr. Harshvardhan Nandwana for the State
None present for the appellant

(ORAL, Per Hon'ble Mr. Gandhi, J.)

1. This appeal has been preferred against the order dated 27.01.1997 passed by the learned Single Judge in S.B. Civil Writ Petition No. 423/1997, whereby the writ petition filed by the appellant-petitioner has been dismissed. The petitioner was working as a Junior Specialist (Gynecology), Government Sadat Hospital, Tonk. She filed an application on 09.03.1996 seeking voluntary retirement from service. This application was forwarded by the Chief Medical & Health Officer, Tonk vide his

letter dated 14.03.1996 to the Secretary, Medical & Health Department, i.e. respondent No. 1. The respondents took no decision on the application. The petitioner came to be suspended vide order dated 15.03.1996 to enquire into his conduct under Section 16 of the CCA Rules for imposition of major penalty.

2. The petitioner approached the court seeking a writ of mandamus directing the respondents to accept the application of the petitioner seeking voluntary retirement w.e.f. 08.06.1996 and to release and disburse due salary, allowances and pension. The writ petition came to be dismissed relying upon Rule 244(1) of Rajasthan Service Rules, 1951, which indicates that if an enquiry is contemplated in the conduct of a Government servant and the disciplinary authority is of the view that it might result in imposition of major penalty, voluntary retirement can be withheld.

3. None appears on behalf of the appellant. The Appeal is dismissed in default of appearance.

(Dr.VINEET KOTHARI),J. **(R.C. GANDHI),J.**

Pramod